

REMARKS/ARGUMENTS

Claims 47-54 and 56-59 are pending in the present application and are currently under examination. With entry of this Amendment, claim 47 has been amended to pursue the subject matter of claim 52, *i.e.*, the embodiment wherein the ER resident calcium-binding protein is GRP78/BiP. In view of the amendment to claim 47, claims 52 and 53 have been canceled without prejudice to further prosecution. No new matter has been introduced by the amendment to claim 47 or the cancellation of claims 52 and 53. Applicants respectfully request reconsideration of the pending claims.

Applicants acknowledge, with appreciation, the Examiner's indication that "[c]laim 52 is objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims" (*see*, page 6 of the Office Action). As noted above, independent claim 47 has been amended, without prejudice, to pursue the subject matter of dependent claim 52 and, thus, is allowable.

In addition, Applicants acknowledge, with appreciation, the Examiner's indication that the "Petition filed October 30, 2007 pursuant to 37 C.F.R. § 1.84(2) for colored drawings is acknowledged and has been approved" (*see*, page 2 of the Office Action).

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 47-51, 53 and 54 are rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for:

A method of inhibiting the generation of active thrombin on the surface of a cell within an atherosclerotic plaque within a mammal, the method comprising increasing the expression or activity of an ER resident calcium-binding protein in said cell by directly administering to said cell a polynucleotide operably linked to a promoter, wherein said polynucleotide encodes GRP78/BiP, whereby said GRP78/BiP is produced in said cell and the generation of active thrombin on the surface of said cell is inhibited

allegedly does not reasonably provide enablement for the full scope encompassed by the claims (see, page 3 of the Office Action).

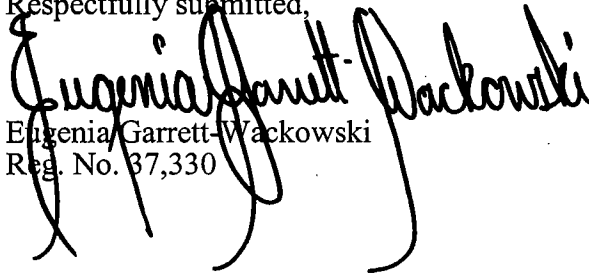
Applicants respectfully disagree. However, in the interest of expediting prosecution and without commenting on or agreeing to the substance of the enablement rejection, Applicants have amended claim 47 to pursue the subject matter of claim 52 (*i.e.*, the embodiment wherein the ER resident calcium-binding protein is GRP78/BiP), which the Examiner has found to be allowable. In view of the amendment to claim 47 and the cancellation of claims 52 and 53, the § 112, first paragraph, rejection is rendered moot. Accordingly, Applicants urge the Examiner to withdraw this rejection.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,


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